



State of Rhode Island and Providence Plantations  
**DEPARTMENT OF EDUCATION**  
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Deborah A. Gist  
Commissioner

**DATE:** May 11, 2012  
**TO:** Rhode Island Superintendents  
**FROM:** George M. Muksian, Chief Legal Counsel  
**RE:** **Civil Rights Compliance Review**

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Federal regulations require the Rhode Island Department of Elementary and Secondary Education to ensure that Rhode Island high schools offering career and technical education courses and programs are in compliance with federal civil rights laws, regulations and guidelines. Please be advised that this year the courses and programs under your direction may be selected for review. This selection will be made on the basis of statistical calculations involving school size, the date of a school's last civil rights review, and other demographic factors.

As background, in 1973 a number of civil rights groups filed suit against the United States Department of Health, Education and Welfare (now the U.S. Department of Education) alleging that it was not adequately enforcing civil rights laws and regulations governing vocational education programs. Resulting from this litigation was a 1977 consent decree requiring the United States Department of Education to adopt "methods of administration" of civil rights laws and regulations, thereby ensuring that state vocational education programs are in compliance with these provisions of federal law. The consent decree also required that the Office of Civil Rights of the United States Department of Education adopt enforcement guidelines, which were completed and adopted as "*Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Career and Technical Education Programs.*" (The Guidelines at [34 CFR Part 100, Appendix B](#))

Under the Guidelines, each state is required to implement a compliance review program to prevent, identify and remedy discrimination on the basis of race, color, national origin, sex, and disability in vocational education programs operated by recipients of federal financial assistance. The reviews are intended to ensure that students have access to career and technical education without regard to the pertinent civil rights classifications. With respect to the specific laws applicable to the civil right review process, there are four major

federal civil rights laws, and one set of aforementioned *Guidelines for Eliminating Discrimination*. These laws, Guidelines, and their supporting federal regulations are:

1. [Title VI - Civil Rights Act of 1964](#) <sup>↗</sup>, prohibiting discrimination on the basis of race, color, and national origin. [34 CFR Part 100](#) <sup>↗</sup> (Title VI);
2. [Title IX, Education Amendments of 1972](#) <sup>↗</sup>, which prohibits discrimination on the basis of sex. [34 CFR Part 106](#) <sup>↗</sup> (Title IX);
3. [Section 504 of the Rehabilitation Act of 1973](#) <sup>↗</sup>, which prohibits discrimination on the basis of disability. [34 CFR Part 104 \(Section 504\)](#);
4. [Americans with Disabilities Act of 1990](#) and its amendments, which prohibits discrimination on the basis of disability. [28 CFR Part 35](#) <sup>↗</sup>, Title II of the ADA (ADA);
5. Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Educational Programs ([34 CFR Part 100, Appendix B](#)).

Guideline directives include an examination of the documents and notices which schools are required to prepare, maintain, and publish in demonstrating compliance with the federal laws, regulations and guidelines. Specific documentary items subject to review include, *inter alia*, notices to parents, students, and employees concerning civil rights protections, records of complaint resolution procedures, and affirmative action outreach procedures. In addition to an examination of documents and notices, the review will also include an on-site review addressing issues of compliance with accessibility standards of school facilities, as well as interviews with a sample of students, parents, teachers, and administrators.

Superintendents of the selected districts will be contacted by this office to set up a meeting to discuss procedural aspects of the civil rights review, the scheduling of the on-site review and to address any concerns or questions. The overall approach of this process is designed to be cooperative and supportive of district career and technical programs in ascertaining full compliance with the relevant federal laws, regulations and guidelines.

Thank you in advance for your cooperation in fulfillment of this important undertaking.